

EXHIBIT D



RE: Uber JCCP / MDL Production Dates for discussion

From Beth Wilkins <Wilkins@chaffinluhana.com>

Date Fri 10/11/2024 8:22 PM

To Shortnacy, Michael (SHB) <mshortnacy@shb.com>

Cc Cummings, Dan (SHB) <decummings@shb.com>; Salcedo, Maria (SHB) <MSALCEDO@shb.com>; Lewis, Rachel M. (SHB) <rlewis@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenberg.com>; Randy Luskey <rluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>; Taylor, Joshua J. (SHB) <JJTAYLOR@shb.com>; Roopal Luhana <Luhana@chaffinluhana.com>; Rachel Abrams <rabrams@peifferwolf.com>; Sarah London <slondon@lchb.com>; Tiffany Ellis <tellis@peifferwolf.com>

4 attachments (662 KB)

2024.10.11 JSR re stipulation.docx; Luhana dec re stipulation JSR.docx; Re: Uber JCCP / MDL Production Dates for discussion; Re: Uber JCCP / MDL Production Dates for discussion;

Michael,

We need an agreement on privilege dispute deadlines for an agreement on production deadlines to have any meaning. As you are and have been aware, our agreement on the extension you seek is contingent on the matters we've discussed at length, particularly privilege dispute resolution. Our position is neither new nor taken during the 11th hour. As discussed during our meet and confer discussion today, you can refer back to our September 30 and October 1 emails, for example, as well as the position we presented to the Court on October 1 in which we made clear that we cannot agree to your requested extension without an agreement on privilege log deadlines. Regardless, we need to get our status report filed with the Court. We have taken the liberty to put together an initial draft for the parties' convenience. Please provide your portion for our review before filing. We assume your side will file this status report when we have agreement on the contents.

Beth Wilkins | Of Counsel

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Mailing Address:

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From: Shortnacy, Michael (SHB) <mshortnacy@shb.com>

Sent: Friday, October 11, 2024 7:56 PM

To: Beth Wilkins <Wilkins@chaffinluhana.com>

Cc: Cummings, Dan (SHB) <decummings@shb.com>; Salcedo, Maria (SHB) <MSALCEDO@shb.com>; Lewis, Rachel M. (SHB) <rlewis@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>; Taylor, Joshua J. (SHB) <JJTAYLOR@shb.com>; Roopal Luhana <Luhana@chaffinluhana.com>; Rachel Abrams <rabrams@peifferwolf.com>; Sarah London <slondon@lchb.com>; Tiffany Ellis <tellis@peifferwolf.com>

Subject: RE: Uber JCCP / MDL Production Dates for discussion

Beth & team,

We are extremely disappointed that Plaintiffs are backing out of their agreement for modified dates to complete production of the 55 custodians. Plaintiffs have chosen, for reasons we cannot understand, to create a dispute where there is none, and foist this issue onto the Court; whereas Uber came to the table to resolve the issues in today's meet and confer with the direct participation of its in house litigation director in the discussion.

As we discussed on the meet and confer today, Uber believes the most practical and pragmatic solution here is to acknowledge the parties' agreement on the modified dates to request from the Court (as we outlined during the 10/3 conference), and also put in a placeholder for the Court the fact that the parties continue to have competing views about the current timing and mechanisms for the handling of privilege log disputes. And, further, that the parties should inform the Court that we are continuing to meet and confer about this, and will submit proposals or further thoughts in the JSR for discussion during the 10/23 conference.

But, your side is unfortunately opting to put before the Court a month's worth of the parties' email correspondence, which we are putting you on notice now will not accurately reflect all of the discussions and communications and the status of the conferrals. And, as Uber has communicated to your side as early as September 10 (the date the CMO was entered) the production completion dates under the Order were not possible to meet. We gave Plaintiffs credit during the 10/3 discovery conference for hearing us on this, and working with us to set new dates. We are surprised and disappointed at this last minute maneuvering. The only remaining issue at this point is a dispute over privilege log service and dispute timing (and only as to the custodians who will be deposed). This should simply not upend the parties' agreement as to dates of the 55 custodians. Forcing the parties to submit competing statements to the Court today only forces an issue we should continue to discuss – this is particularly so because Beth's email below with Plaintiffs' proposal (that materially modifies several existing PTO's) is the first we have heard or seen of these accelerated dates for deponent's logs. The parties have simply not met and conferred on this, and it is unfair to raise this on the afternoon that the Court asked for a statement to be filed.

This 11th hour maneuver impacts the lives of people on our (and your) team will only trigger wasteful briefing, new declarations, more rounds of hearings, and unfortunately forecasts that from your perspective coordination is in peril. Nevertheless, our door remains open to going back to the pragmatic approach outlined above, but we are also preparing a statement to explain this to the Court as Plaintiffs are unfortunately forcing us to.

Michael

Michael B. Shortnacy

Partner

Shook, Hardy & Bacon L.L.P.

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T: 424-324-3494 | mshortnacy@shb.com



From: Beth Wilkins <Wilkins@chaffinluhana.com>

Sent: Friday, October 11, 2024 1:13 PM

To: Shortnacy, Michael (SHB) <mshortnacy@shb.com>

Cc: Cummings, Dan (SHB) <decummings@shb.com>; Salcedo, Maria (SHB) <MSALCEDO@shb.com>; Lewis, Rachel M. (SHB) <rlewis@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <crabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>; Taylor, Joshua J. (SHB) <JJTAYLOR@shb.com>; Roopal Luhana <Luhana@chaffinluhana.com>; Rachel Abrams <crabrams@peifferwolf.com>; Sarah London <slondon@lchb.com>; Tiffany Ellis <tellis@peifferwolf.com>

Subject: RE: Uber JCCP / MDL Production Dates for discussion

EXTERNAL

Michael and team,

As we have maintained throughout our discussions about Uber's requested extension, we agree in concept to your requested extension and proposed dates, but with necessary contingencies. As we've repeatedly raised, we need a carve-out for noticed depositions, which is still not included in your proposal despite our continued discussions on this yesterday. We also have not resolved the issues related to personnel files. We can set aside that issue for now with the exception that you will timely produce CVs (or LinkedIn profiles) and Workday reports for the deponents and agree to address the remaining personnel file issues at the upcoming status conference. However, our agreement to the extensions Uber requests is contingent on Uber agreeing to timely produce custodial files and resolve privilege log disputes. We do not have an agreement on that issue and so there is no agreement as to the stipulation. Unfortunately, that means depositions that the parties intended to coordinate with the JCCP will not be able to proceed in a coordinated fashion.

As a reminder, on September 30 in response to your spreadsheet of proposed deadlines, Roopal wrote to you by email that "we are generally ok with the schedule but need Uber to agree to the terms below," specifically, expedited production of custodial files and privilege logs for depositions that have been noticed. Roopal reiterated this after receiving your proposed stipulation on October 1, stating that the

parameters previously discussed (expediting custodial file production and privilege log disputes) are “required for us to agree to an extension,” particularly because the “time line for privilege logs in the Deposition Protocol didn’t contemplate the thousands of entries we’ve received and therefore need an expedited timeline for custodial files and privilege logs.” Roopal reiterated this position during the October 1 status conference and again on October 6 in reviewing your proposed edits to the stipulation, stating “[w]e do need to figure out a resolution for many of these issues including the custodial files and privilege logs as I raised several times with you.”

We have made various proposals to address this issue so that we could file an agreed stipulation. For example, on October 9, we proposed to include in the stipulation the following language (Uber did not agree):

“Uber understands that Plaintiffs’ consent to the extensions indicated in Paragraphs 6 through 8 herein is conditioned on the following: Uber’s adherence to the deadlines for custodial file production and privilege logs as ordered by Pretrial Order 14 (ECF No. 396) and Pretrial Order 16 (ECF No. 866). In the event Uber’s custodial document production for a custodian is not complete and privilege log disputes are not resolved within fourteen days prior to that custodian’s scheduled deposition, Plaintiffs reserve the right to reschedule the deposition after production is complete and resolution is reached.’

Plaintiffs cannot agree to an extension of Uber’s deadlines without a concrete plan to timely produce custodial files and resolve privilege log disputes prior to the deposition. It will be a waste of time and resources to take depositions without having the benefit of the complete custodial file and reasonable time to review it. Therefore, as we discussed, we intend to propose the following to the Court:

Generally, Uber will produce custodial files and produce privilege logs in adherence Pretrial Order 14 (ECF No. 396), Pretrial Order 16 (ECF No. 866), and the Court’s October 9, 2024 Discovery Management Order (ECF No. 1732). For custodians whose depositions have been noticed the parties will adhere to the following schedule, unless the parties reach a separate agreement:

1. For privilege logs containing fewer than 100 entries:
 1. Privilege log will be produced at least 10 days before any scheduled deposition.
 2. The parties will complete the meet and confer process regarding any disputes within 8 days prior to the deposition.
 3. The parties will file any remaining disputes with the Court at least 7 days prior to the scheduled deposition.
 4. Uber will produce all de-designated documents per the Court's Order within 48 hours before the scheduled deposition.
2. For privilege logs containing fewer than 750 entries:
 1. Privilege log will be produced at least 35 days before any scheduled deposition.
 2. The parties will complete the meet and confer process regarding any disputes within 25 days prior to the deposition.
 3. The parties will file any remaining disputes with the Court at least 21 days prior to the scheduled deposition.
 4. Uber will produce all de-designed documents per the Court's Order within 7 days before the scheduled deposition.
3. For privilege logs containing more than 750 entries:
 1. Privilege log will be produced at least 45 days before any scheduled deposition.
 2. The parties will complete the meet and confer process regarding any disputes within 35 days prior to the deposition.
 3. The parties will file any remaining disputes with the Court at least 28 days prior to the scheduled deposition.
 4. Uber will produce all de-designed documents per the Court's Order within 14 days before the scheduled deposition.

It is important to recognize that this process is iterative and we assume Uber has already begun re-reviewing and de-designating documents previously marked privileged to comply with Judge Cisneros' October 8 Clawback Order. We hope going forward this also significantly narrows the universe of documents claimed as privileged as we receive further guidance from the Court.

Thank you,
Beth

Beth Wilkins | Of Counsel

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From: Tiffany R. Ellis <tellis@peifferwolf.com>
Sent: Thursday, October 10, 2024 9:05 PM
To: Shortnacy, Michael (SHB) <mshortnacy@shb.com>
Cc: Cummings, Dan (SHB) <decummings@shb.com>; Salcedo, Maria (SHB) <MSALCEDO@shb.com>; Lewis, Rachel M. (SHB) <rlewis@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <[rluskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Brian Abramson <babramson@whlaw.com>; Taylor, Joshua J. (SHB) <JJTAYLOR@shb.com>; Roopal Luhana <Luhana@chaffinluhana.com>; Rachel Abrams <rabrams@peifferwolf.com>; Sarah London <slondon@lchb.com>; Beth Wilkins <Wilkins@chaffinluhana.com>
Subject: RE: Uber JCCP / MDL Production Dates for discussion

Thanks, Michael.

At what time tomorrow can we expect your response regarding page counts and whether Uber can locate the attachments over which it has already claimed privilege? As you know, tomorrow is our meet and confer deadline on this topic.

As to the privilege log portion of the stipulation (and without comment to the rest) Plaintiffs do not agree this is an “expedited” process. We also need a date certain by which this (and future disputes) will be submitted to the Court for resolution. We are conferring with our team regarding alternative language but, without certainty on these items, cannot agree to your proposal.

-
Tiffany R. Ellis
 Partner

Detroit MI
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From: Shortnacy, Michael (SHB) <mshortnacy@shb.com>
Sent: Thursday, October 10, 2024 7:20 PM
To: Beth Wilkins <Wilkins@chaffinluhana.com>
Cc: Cummings, Dan (SHB) <decummings@shb.com>; Salcedo, Maria (SHB) <MSALCEDO@shb.com>; Lewis, Rachel M. (SHB) <rlewis@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>; Taylor, Joshua J. (SHB) <JJTAYLOR@shb.com>; Tiffany R. Ellis <tellis@peifferwolf.com>; Roopal Luhana <Luhana@chaffinluhana.com>
Subject: RE: Uber JCCP / MDL Production Dates for discussion

Beth, Tiffany & team,

Thanks for the call this morning. Attached are revisions that accept where we are in accord. Also, Tiffany, with respect to the fields your side had asked for inclusion in the privilege log, we are assessing the burden relative to page counts, but the other fields are agreeable to the extent they are automatically generated (no manual or custom population).

Please let us know if you would like to discuss further.

Michael

Michael B. Shortnacy*Partner*

Shook, Hardy & Bacon L.L.P.

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Los Angeles, CA 90067

T: 424-324-3494 | mshortnacy@shb.com***Please note new mailing address****From:** Beth Wilkins <Wilkins@chaffinluhana.com>**Sent:** Thursday, October 10, 2024 9:44 AM**To:** Shortnacy, Michael (SHB) <mshortnacy@shb.com>**Cc:** Cummings, Dan (SHB) <decummings@shb.com>; Salcedo, Maria (SHB) <MSALCEDO@shb.com>; Lewis, Rachel M. (SHB) <rlewis@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <[rluskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Brian Abramson <babramson@whlaw.com>; Taylor, Joshua J. (SHB) <JJTAYLOR@shb.com>; Tiffany Ellis <tellis@peifferwolf.com>; Roopal Luhana <Luhana@chaffinluhana.com>**Subject:** RE: Uber JCCP / MDL Production Dates for discussion**EXTERNAL**

Our edits are attached. Let's talk at 10:30 PT. Hopefully we can make progress on this as well as custodians, but we can reserve time in the afternoon in case we're not able to get through everything before your 11:30. I am available other than 1:30-2:30 PT.

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From: Shortnacy, Michael (SHB) <mshortnacy@shb.com>

Sent: Wednesday, October 9, 2024 9:37 PM

To: Beth Wilkins <Wilkins@chaffinluhana.com>; Roopal Luhana <Luhana@chaffinluhana.com>

Cc: Cummings, Dan (SHB) <decummings@shb.com>; Salcedo, Maria (SHB) <MSALCEDO@shb.com>; Lewis, Rachel M. (SHB) <rlewis@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <sLondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>; Taylor, Joshua J. (SHB) <JJTAYLOR@shb.com>

Subject: RE: Uber JCCP / MDL Production Dates for discussion

Beth,

Thank you for reaching out. As you saw, the Court has set Friday as a deadline to submit the stip / explain the delay. We think the Court would appreciate the parties working together to button this up; especially so, since the parties had already reached agreement. While we will approach our M&C with a spirit of cooperation and optimism that we can finalize this; we are also ready and prepared to explain to the Court the reason for the delays.

Tomorrow, we can be somewhat flexible as to time to confer, but for starters can I propose 10:30 am PT? If there is a better time for you, please let me know (other than from 11:30 am PT to 12:30 pm PT, I can generally make times work).

Michael

Michael B. Shortnacy

Partner

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From: Beth Wilkins <Wilkins@chaffinluhana.com>

Sent: Wednesday, October 9, 2024 9:57 AM

To: Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Roopal Luhana <Luhana@chaffinluhana.com>

Cc: Cummings, Dan (SHB) <decummings@shb.com>; Salcedo, Maria (SHB) <MSALCEDO@shb.com>; Lewis, Rachel M. (SHB) <rlewis@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <sLondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>

<mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rsluskey@paulweiss.com>; Brian Abramson<babramson@whlaw.com>; Taylor, Joshua J. (SHB) <JJTAYLOR@shb.com>**Subject:** RE: Uber JCCP / MDL Production Dates for discussion**EXTERNAL**

Michael, is there a time today or tomorrow that your team is available to discuss?

Beth Wilkins | Of CounselE: Wilkins@chaffinluhana.com

P: (412) 643-0290

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From: Shortnacy, Michael (SHB) <mshortnacy@shb.com>**Sent:** Friday, October 4, 2024 5:37 PM**To:** Roopal Luhana <Luhana@chaffinluhana.com>

Cc: Beth Wilkins <Wilkins@chaffinluhana.com>; Cummings, Dan (SHB) <decummings@shb.com>; Salcedo, Maria (SHB) <MSALCEDO@shb.com>; Lewis, Rachel M. (SHB) <rlewis@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rsluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>; Taylor, Joshua J. (SHB) <JJTAYLOR@shb.com>

Subject: RE: Uber JCCP / MDL Production Dates for discussion

The document I circulated, was redlined; with comments. Did that scrubbed out in the metadata. It shows on my end.

From: Roopal Luhana <Luhana@chaffinluhana.com>**Sent:** Friday, October 4, 2024 2:18 PM**To:** Shortnacy, Michael (SHB) <mshortnacy@shb.com>

Cc: Beth Wilkins <Wilkins@chaffinluhana.com>; Cummings, Dan (SHB) <decummings@shb.com>; Salcedo, Maria (SHB) <MSALCEDO@shb.com>; Lewis, Rachel M. (SHB) <rlewis@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabramps@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>; Taylor, Joshua J. (SHB) <JJTAYLOR@shb.com>; Roopal Luhana <Luhana@chaffinluhana.com>

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EXTERNAL

Michael, these were all things that were discussed with the Defendants on calls, emails and generally raised with the Court. Although some specifics were completed further as they needed to be flushed out, the goal was to discuss them with you and work through. You've now had the draft for some time, can you please redline and circulate to help facilitate our discussion?

Best,
Roopal

On Oct 4, 2024, at 4:20 PM, Shortnacy, Michael (SHB) <mshortnacy@shb.com> wrote:

Beth and team,

In reviewing this mark up closely, we are disappointed to see that Plaintiffs put in a kitchen sink of items that were not contemplated by the parties at the time of their agreement on 10/1, as we reported to the Court. Your detailed insertions (even under the broad strokes of topics we discussed on 10/1) seek to materially vary dates we had agreed, seek to vary several PTO's and other court orders, and impose new material obligations that were not discussed nor contemplated at the time of the parties' agreement on dates.

We are prepared to talk through these issues, many of which, particularly on the privilege log side are mooted already through the parties' conferrals. And, we are open to discussing future agreements, like on the personnel file that could be workable. But putting all of those requirements in this document, *after the fact*, is not appropriate. These are material changes to a deal that we made on 10/1.

We are prepared to explain to Judge Cisneros the parties' offer and acceptance of the agreed upon dates; and Plaintiffs' after the fact conditions. We would far rather reach accord on this since we do not think the judge will appreciate being compelled to adjudicate the clear terms of the agreement or parol evidence. We think we should proceed reasonably here, with understandings and agreements as needed. But these insertions are a far overreach and we trust you will, as before, approach this reasonably so that we can move on and get to the actual work contemplated by the joint extension request to the Court.

Happy to hop on a call to discuss.

Michael

Michael B. Shortnacy

Partner

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To: Cummings, Dan (SHB) <decummings@shb.com>; Roopal Luhana <Luhana@chaffinluhana.com>
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Subject: RE: Uber JCCP / MDL Production Dates for discussion

EXTERNAL

Dan and all,

We expected to hear from you yesterday regarding your request for extension and proposed stipulation. Please let us know when you will be ready to discuss. We need to have an agreement on these deadlines to ensure that discovery and depositions can move forward, particularly in light of deposition dates that are actively being discussed and set.

Thank you,

Beth

Beth Wilkins | Of Counsel

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From: Beth Wilkins

Sent: Wednesday, October 2, 2024 3:53 PM

To: Cummings, Dan (SHB) <decummings@shb.com>; Roopal Luhana <Luhana@chaffinluhana.com>

Cc: Salcedo, Maria (SHB) <MSALCEDO@shb.com>; Lewis, Rachel M. (SHB) <rlewis@shb.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>

Subject: RE: Uber JCCP / MDL Production Dates for discussion

Dan and all,

Please see attached for discussion at 5ET.

Beth

Beth Wilkins | Of Counsel

E: Wilkins@chaffinluhana.com

P: (412) 643-0290

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From: Cummings, Dan (SHB) <decummings@shb.com>

Sent: Tuesday, October 1, 2024 4:38 PM

To: Roopal Luhana <Luhana@chaffinluhana.com>

Cc: Salcedo, Maria (SHB) <MSALCEDO@shb.com>; Lewis, Rachel M. (SHB) <rlewis@shb.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Beth Wilkins <Wilkins@chaffinluhana.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>

Subject: RE: Uber JCCP / MDL Production Dates for discussion

Roopal,

Per your discussion with Michael, attached are our proposed stipulation and declaration. Please let us know if we have your permission to file.

Thanks,
Dan

Daniel E. Cummings

Attorney

Shook, Hardy & Bacon L.L.P.

816-559-2779 | mobile: 816.379.9324 | x19007 | decummings@shb.com

From: Roopal Luhana <Luhana@chaffinluhana.com>
Sent: Tuesday, October 1, 2024 10:02 AM
To: Shortnacy, Michael (SHB) <mshortnacy@shb.com>
Cc: Beth Wilkins <Wilkins@chaffinluhana.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rlauskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>
Subject: Re: Uber JCCP / MDL Production Dates for discussion

EXTERNAL

Michael, we would like the parameters below included in the stipulation and they're required for us to agree to the extension. Additionally, the time line for privilege logs in the Deposition Protocol didn't contemplate the thousands of entries we've received and therefore need an expedited timeline for custodial files and privilege logs.

We look forward to receiving your draft of the Stipulation shortly.

Best,
Roopal

Roopal Luhana | Partner
E: Luhana@chaffinluhana.com
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Mailing Address:

Chaffin Luhana LLP 600 Third Ave., 12th Flr. New York, NY 10016

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On Oct 1, 2024, at 11:47 AM, Shortnacy, Michael (SHB) <mshortnacy@shb.com> wrote:

Roopal & team,

Thank you for your cooperation on this. We appreciate being able to work through this scheduling matter with your side in a cooperative manner.

The parties are now in agreement on the dates. We will send over a proposed stipulation for filing with the Court today.

As you note, we understand the Freivogel and Baker dates on the chart will need to be advanced, since their depositions are now set, agreed and scheduled. We also understand that noticing and scheduling a deposition would advance other dates as well, according to the PTOs.

For the other issues: 1) we are preparing the validation materials; 2) we believe we should be at equipoise on the hyperlinks issue, and Jeremy can address if you have additional questions; 3) we are working with Tiffany on perhaps modifying some fields on the logs to provide your side with additional information (without conceding that the logs are not compliant presently); and 4) as to personnel files, we have provided job titles and dates, and will provide CV's, and are prepared to meet and confer on this further or tee the issue up quickly as we think we should not have a dispute here.

Thank you again for working through this issue.

Michael

Michael B. Shortnacy

Partner

Shook, Hardy & Bacon L.L.P.
2121 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
T: 424-324-3494 | mshortnacy@shb.com

*Please note new mailing address

<image007.jpg>

From: Roopal Luhana <Luhana@chaffinluhana.com>
Sent: Monday, September 30, 2024 12:24 PM
To: Shortnacy, Michael (SHB) <mshortnacy@shb.com>
Cc: Beth Wilkins <Wilkins@chaffinluhana.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>; Roopal Luhana <Luhana@chaffinluhana.com>
Subject: Re: Uber JCCP / MDL Production Dates for discussion

EXTERNAL

Michael, we generally are ok with the schedule but need Uber to agree to the terms below. Also, we see there are custodians with agreed to deposition dates, e.g., Baker and Freivogel have deposition dates of Nov.19 and Nov. 14-15, respectively but your chart reflects custodial files to be produced on 10/21 and privilege logs on 11/15. We need to expedite those productions.

- 1) Privilege logs for Custodians 21-37 be produced Dec. 9 so we can work to resolve disputes before year end;
- 2) If depositions are noticed then we need expedited production of custodial files and privilege logs; and
- 3) Uber must address validation issues, address hyperlink issues immediately, ensure priv logs comply with ESI/Priv Orders and produce complete personnel files.

Let us know your thoughts.

Best,
Roopal

Roopal Luhana | Partner
E: Luhana@chaffinluhana.com
P: [\(347\) 269-4461](tel:(347)269-4461)

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[<image002.png>](#)

[<image003.png>](#)

[<image004.png>](#)

[<image005.png>](#)

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From: Shortnacy, Michael (SHB) <mshortnacy@shb.com>
Sent: Monday, September 30, 2024 2:08 PM
To: Roopal Luhana <Luhana@chaffinluhana.com>
Cc: Beth Wilkins <Wilkins@chaffinluhana.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>
Subject: RE: Uber JCCP / MDL Production Dates for discussion

Roopal and team, we wanted to check back with you on this proposal. We are available to hop on a short call if it is easier to discuss. Thank you, Michael

From: Shortnacy, Michael (SHB)
Sent: Friday, September 27, 2024 8:40 PM
To: Roopal Luhana <Luhana@chaffinluhana.com>
Cc: Beth Wilkins <Wilkins@chaffinluhana.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>
Subject: RE: Uber JCCP / MDL Production Dates for discussion

Roopal, Beth, Brian & team,

Following our further meet and confer this afternoon, we have a further proposal on the remaining custodial production dates. The dates are tracked in a new column with a yellow header. Note that the deposition dates listed are the placeholder dates originally set, and no longer current. So you can disregard those dates.

Appreciate your cooperation on this.

Michael

Michael B. Shortnacy

Partner

Shook, Hardy & Bacon L.L.P.
2121 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
T: 424-324-3494 | mshortnacy@shb.com

*Please note new mailing address

<image008.jpg>

From: Roopal Luhana <Luhana@chaffinluhana.com>
Sent: Monday, September 23, 2024 4:46 PM
To: Shortnacy, Michael (SHB) <mshortnacy@shb.com>
Cc: Beth Wilkins <Wilkins@chaffinluhana.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Randy Luskey <rluskey@paulweiss.com>; Brian Abramson <babramson@whlaw.com>
Subject: Re: Uber JCCP / MDL Production Dates for discussion

EXTERNAL

Great, thanks. Copying Brian.

On Sep 23, 2024, at 7:16 PM, Shortnacy, Michael (SHB) <mshortnacy@shb.com> wrote:

+ Randy. Thanks, Roopal. Tomorrow at 4 pm ET works for us. I will send an invitation to this group. Did you also invite Brian A.? Michael

From: Roopal Luhana <Luhana@chaffinluhana.com>
Sent: Monday, September 23, 2024 7:09 AM
To: Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Beth Wilkins <Wilkins@chaffinluhana.com>
Cc: Oot, Patrick L. (SHB) <OOT@shb.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenbergs.com>; Roopal Luhana <Luhana@chaffinluhana.com>
Subject: Re: Uber JCCP / MDL Production Dates for discussion

EXTERNAL

Thank you for the e-mail Michael. We'd had a chance to discuss and would like to schedule a call. Let us know if tomorrow between 2:30-4:30pm ET works for you to chat. Thanks.

Best,
Roopal

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From: Shortnacy, Michael (SHB) <mshortnacy@shb.com>
Sent: Thursday, September 19, 2024 11:57 AM
To: Roopal Luhana <Luhana@chaffinluhana.com>; Beth Wilkins <Wilkins@chaffinluhana.com>
Cc: Oot, Patrick L. (SHB) <OOT@shb.com>
Subject: Uber JCCP / MDL Production Dates for discussion

Roopal & Beth,

Thank you for your time today.

As we discussed, attached are Uber's proposed dates that would vary slightly from the Court's most recent scheduling Order and allow for alignment between JCCP and MDL. We believe these dates are going to be difficult to hit, but we are prepared to hit them and think they are possible. The dates set by the Court, however, are not possible, and we would like to work with your side to avoid motion practice to modify the Order (with declarations and evidentiary support from Uber on why October 1 is not feasible, or possible, etc.) Happy to get back on the phone to discuss further, after your side has had a chance to consider.

Michael

Michael B. Shortnacy

Partner

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*Please note new mailing address

<[image006.jpg](#)>

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